

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

SHENG-WEN CHENG,

Case No. 23-CV-737 (NEB/LIB)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND  
RECOMMENDATION

CLAYTON WILCOX, NGUYEN LEE,  
HOWARD BONIFANT, INMATE  
MILLER, INMATE CHANDELLOR, and  
KHAMSAI XAYAMONTEY,

Defendants.

---

The Court has received the June 8, 2023 Report and Recommendation of United States Magistrate Judge Leo I. Brisbois. (ECF No. 10.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 10) is ACCEPTED;
2. Cheng's RICO claims are DISMISSED WITHOUT PREJUDICE under 28 U.S.C. Section 1915(e) for failure to state a claim;
3. The Court declines to exercise supplemental jurisdiction over Cheng's state-law claims;

4. Cheng's Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2) is DENIED AS MOOT; and
5. This action is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 9, 2023

BY THE COURT:

s/Nancy E. Brasel  
Nancy E. Brasel  
United States District Judge